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C O N F I D E N T I A L SECTION 01 OF 03 KATHMANDU 000645

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SUBJECT: NEPAL'S TIBETAN REFUGEE POLICY UNDER STRAIN

REF: A. KATHMANDU 569

¶B. KATHMANDU 564

¶C. KATHMANDU 314

Classified By: Charge d'Affaires a.i. Jeffrey A. Moon, for reasons 1.4  
b, d

Summary

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¶1. (C) The Government of Nepal's policy of permitting Tibetan refugees to remain quietly in Nepal while accommodating Chinese demands to prevent "anti-China" activities is under increasing strain. Tibetan activists have recently conducted several public protests, Nepali authorities detained the demonstrators briefly, a group of Nepali legislators visited the Dalai Lama in Dharamsala, and the Chinese have lobbied the Nepali government both publicly and privately to prevent any further Tibetan activism. Ambassador Powell and UN officials asked the Prime Minister and other leaders in recent meetings to ensure that the rights of Tibetan refugees are respected. These recent events reflect the difficulties that Nepal's fragile coalition government is having in trying to satisfy all interested parties.

"Gentlemen's Agreement"

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¶2. (C) Nepal's trading relationship with Tibet dates back many centuries but politics have complicated matters since the Dalai Lama's exile in 1959. From 1959 until December 31, 1989, Nepal permitted all Tibetan arrivals to remain legally in Nepal. An unknown number of additional Tibetans have come to Nepal since that time and remain unregistered and without status -- including those born in Nepal to registered refugee parents. Under the "Gentlemen's Agreement," an informal understanding between United Nations High Commissioner for Refugees (UNHCR) and the Government of Nepal, since 1990 newly-arriving Tibetan refugees have been registered by UNHCR for formal transit from Nepal to India.

Chinese Concerns

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¶3. (C) One of China's top priorities in Nepal, particularly since the Lhasa riots in March 2008, is preventing Tibetan activists from calling attention to conditions in Tibet and advocating Tibetan independence. Chinese diplomats demarche Nepali officials frequently to prevent "anti-Chinese" activities and high-level Chinese officials visit Nepal to reinforce those requests. A long series of short-lived

Nepali coalition governments -- including the Maoist government that fell in May 2009 -- have listened patiently to Chinese demands and taken limited steps to accommodate their northern neighbor, never fully satisfying either Chinese central authorities or the Tibetans. However, striking the delicate balance between protecting Tibetan refugees and responding to Chinese demands is becoming increasingly difficult. On the one hand, a small group of Tibetan activities remain determined to publicize their cause and, on the other hand, Chinese demands for a crackdown on Tibetan "separatists" have become more public and from high-level visitors. Under these circumstances, UNHCR believes that the best way to defuse rising tensions and protect Tibetans is to persuade the Nepali government to register all Tibetan refugees to acknowledge their protected status.

#### Tibetan Protests

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**¶4.** (C) Reftels reported recent Tibetan demonstrations in Kathmandu that have raised the visibility of unregistered refugees and enraged the Chinese. Those protests were notable because, according to UNHCR, at least a small number of protesters openly stated their determination to be arrested and generate international publicity. In all the recent cases, including the most recent on July 14, Nepali authorities arrested the protesters, detained them briefly, and then released them to UNHCR.

**¶5.** (C) UNHCR and the Office of the High Commissioner for  
KATHMANDU 00000645 002 OF 003

Human Rights (OHCHR) were struck by the determination of these protesters to be arrested in Nepal and to generate international publicity. They speculated during a July 13 meeting at the American Embassy that at least some of the participants might be Chinese-sponsored agitators.

#### Dharamsala Visit

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**¶6.** (C) A June visit to Dharamsala by Nepali legislators from the Terai region -- the southern third of Nepal with deep economic and cultural ties to India, but no Tibetan population -- generated further controversy. According to Tseten Norbu, one of the trip organizers and a Tibetan refugee community leader, the visit followed a parliamentary exchange held in New Delhi for European, Indian, and Nepali legislators. That explanation was insufficient to quell the domestic controversy resulting from the failure of the Legislators to clear the trip with their party leaders. The Chinese interpreted the visit as a provocation and demanded no such trips in the future.

#### Dalai Lama Birthday Celebration

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**¶7.** (C) A planned Kathmandu-wide celebration by the Tibetan community of the Dalai Lama's birthday on July 6 sparked another controversy when Nepali officials canceled the event.

The Tibetans had taken the precaution of obtaining advance approval for the event and had invited Kathmandu's Chief District Officer to attend. Only once previously, in 2005, has the birthday event -- an annual tradition among Nepal's Tibetan community -- been canceled. The Tibetans were permitted to hold prayer services in monasteries in each of the three main Kathmandu Tibetan settlements, albeit with a heavy police presence.

#### Chinese Pressure

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**¶8.** (C) China's former Ambassador to Nepal and current Politburo member Zhang Jiu Huan made an unscheduled trip to Kathmandu on July 1 to protest the recent Tibetan events.

Reportedly he and other Chinese officials asked Foreign Minister Koirala to cancel the Dalai Lama's birthday celebration. Another instance of China's increasingly visible pressure on Nepal was a visit to a leader of Kathmandu's Tibetan Youth Club (TYC). The TYC leader reported to refcoord that he was approached twice by a man who identified himself as a Chinese agent, the first time for information about TYC activities, the second time he was threatened personally. UNHCR also reported that UN officials trekking near the Nepal-China border reported uniformed Chinese officials in Chinese-plated vehicles operating 70 - 80 kilometers inside Nepal's border, much further inside Nepal than the frequently reported two - three kilometers.

#### Misinformation

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¶19. (C) While those events were unfolding, various articles in local publications implied foreign support for Tibetan unrest. Several articles referenced Ambassador Powell's April visit to the Nepal-China border region of Mustang. The stories claimed the Ambassador's trip was intended to support Tibetan independence and undermine China by supporting Tibetan separatists acting from Mustang. A July 5 story in Kantipur, Nepal's most widely read paper, reported that the Dharamsala-based leaders of the TYC and Tibetan Women's Association (TWA) as well as some of their members from India had joined the rebellion in Mustang. Local Tibetan members of the TYC and TWA have denied the reports emphatically. The TYC wrote a point-by-point rebuttal to the July 5 story, which was not published.

#### Ambassador Demarches PM

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¶110. (C) Ambassador Powell raised U.S. concerns about the protection of the Tibetan refugees during her farewell calls on the Prime Minister, and the Foreign and Home Ministers. She emphasized U.S. interest in protecting Tibetans' human rights, including the right to peaceful expression and

KATHMANDU 00000645 003 OF 003

assembly. She underlined U.S. support for Tibetan registration and the extension of greater rights to Nepal's Tibetan community. She also noted that the U.S. offer to resettle some Tibetans, offered first in 2005 and repeated in 2008, remains outstanding. The Prime Minister appeared unaware of the previous offers and seemed to find it food for thought.

#### International Community Reaction

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¶111. (C) UNHCR Representative Daisy Dell explained at a July 13 meeting her view that registration of Nepal's Tibetans would be the best first step to address Tibetans' concerns. She views registration as a mechanism to give both rights and responsibilities to the Tibetans and as a platform to base future durable solutions, including true local integration and third-country resettlement. Dell said that the situation in Nepal has deteriorated and that registration was unlikely to make matters worse. She added that it would at least give some recourse to those who now have no ability to counter routine shakedowns and harassment when local officials question their legal status. Dell added that she believed Nepal is committed to protecting the Tibetans from deportation so that, on balance, it was unlikely that registration would make the Tibetans more vulnerable.

#### Comment

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¶112. (C) All sources agree that the Chinese are increasing pressure on Nepal to control the Tibetan population. The weak Nepali government, teetering on the brink of losing power and overwhelmed by problems large and small, sees

itself in no position to resist repeated Chinese requests for action. The Tibetan refugee community is increasingly uneasy and unable to respond effectively. Friends it thought it could rely on in Nepal's establishment are wavering despite efforts by the UN and sympathetic governments to ensure protection for Tibetan refugees.

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